

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ARCHER CAPITAL MASTER FUND, L.P., *et al.*,

Plaintiffs,

vs.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:16-cv-05471-AKH

ATLAS MASTER FUND, LTD., *et al.*,

Plaintiffs,

vs.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants.

Civil Action No.: 1:16-cv-05475-AKH

(captions continued on following page)

[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE

FIR TREE CAPITAL OPPORTUNITY
MASTER FUND, L.P., *et al.*

Plaintiff,

vs.

AMERICAN REALTY CAPITAL
PROPERTIES, INC., *et al.*,

Defendants,

Civil Action No.: 1:17-cv-04975-AKH

COHEN & STEERS INSTITUTIONAL
REALTY SHARES, INC., *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL
PROPERTIES, INC. *et al.*,

Defendants.

Civil Action No.: 1:18-cv-06770-AKH

Pursuant to the Joint Motion for Dismissal with Prejudice Pursuant to Rule 41(a)(2) (the “Motion”) filed in the above-captioned actions on November 2, 2018, by the Plaintiffs in those actions and Defendant American Realty Capital Properties, Inc., n/k/a VEREIT, Inc., and for good cause appearing;

IT IS ORDERED that the Motion is **GRANTED**. All claims filed by Plaintiffs against all defendants in the above-captioned actions are hereby **DISMISSED WITH PREJUDICE**. Each party shall bear its own costs, expenses and attorneys’ fees.

The Clerk of Court is directed to terminate the following Motions and **CLOSE** these cases.

- *Archer Capital Master Fund, L.P., et al. v. American Realty Capital Properties, Inc., et al.*, Civil Action No. 1:16-cv-05471-AKH, Dkt. No. 165
- *Atlas Master Fund, Ltd., et al. v. American Realty Capital Properties, Inc., et al.*, Civil Action No. 1:16-cv-05475-AKH, Dkt. No. 125
- *Fir Tree Capital Opportunity Master Fund, L.P., et al. v. American Realty Capital Properties, Inc., et al.*, Civil Action No. 1:17-cv-04975-AKH, Dkt. No. 140
- *Cohen & Steers Institutional Realty Shares, Inc., et al. v. American Realty Capital Properties, Inc., et al.*, Civil Action No. 1:18-cv-06770-AKH, Dkt. No. 33

SO ORDERED

Dated: November ___, 2018
New York, New York

ALVIN K. HELLERSTEIN
United States District Judge